

REMARKS

Applicant thanks the Examiner for acknowledging the claim for priority under 35 U.S.C. § 119, and receipt of all certified copies of the priority documents submitted April 21, 2004. Applicant also thanks the Examiner for considering the references cited with the Information Disclosure Statement filed April 21, 2004, and for indicating that the Formal Drawings filed April 21, 2004 are accepted.

Status of the Application

Claims 1-11 are all the claims pending in the Application, as claims 9-11 are hereby added. Claims 1-5 and 7 stand rejected.

Allowable Subject Matter

Applicant thanks the Examiner for indicating that claim 8 is allowed. Applicant thanks the Examiner for indicating that claim 6 would be allowed if rewritten in independent form. However, Applicant respectfully requests that the Examiner hold in abeyance such rewriting until the Examiner has had an opportunity to reconsider (and withdraw) the prior art rejection of the other claims.

Anticipation Rejection

The Examiner has rejected claims 1-5 under 35 U.S.C. § 102(b) as being anticipated by Kohmura et al. (U.S Patent Application Publication 2002/0023485A1; hereinafter "Kohmura"). This rejection is respectfully traversed.

Claim 1

Kohmura discloses a split type flow meter (Fig. 2(D), Fig. 5) inserted into a main flow pipe 10 (para.128, lines 2-4), wherein the split type flow meter includes an introduction unit 2, a

flow splitter tube 1, a bypass flow path 22, a second flow path 30, and a partition 8 forming the split flow path. Further, Kohmura discloses detection unit 3 including a detection element 7 and a circuit board 5 for measuring the flow rate of the main flow pipe 10 (Fig. 2 (D)).

The Examiner takes the position that Kohmura discloses all the features of independent claim 1, specifically alleging that the partition 8 (Fig. 5) is equivalent to the “shunt plate,” wherein “the edge of the shunt plate is located on an imaginary line or distant from the imaginary line to the side of the second passage, in which the imaginary line is parallel to the axis of the intake passage and passing through the top end of the air inlet.”(Office Action, pg.2, 3rd full par.)

In contrast, Applicant respectfully submits that Kohmura fails to teach or suggest that an “edge of the shunt plate is located on an imaginary line or distant from the imaginary line” that is “passing though the top end of the air inlet.” Specifically, the Examiner indicates that the partition 8 is located above the centerline which runs parallel to the main flow and is located on the top half of the bypass flow path. (Office Action, pg. 2-3, 3rd full par.). However, the centerline (Fig. 5) referred to by the Examiner is not passing though the top of the air inlet 2a, but clearly through the center of the air inlet 2a (Fig. 5).

Thus, Applicant respectfully submits that independent claim 1 is patentable over the applied reference Kohmura. Further, Applicant respectfully submits that rejected dependent claims 2-5 are allowable, *at least* by virtue of their dependency.

Thus, Applicants respectfully request that the Examiner withdraw this rejection.

Obviousness Rejection

The Examiner has rejected claim 7 under 35 U.S.C. § 103(a) as being unpatentable over Kohmura in view of Nagasaka et al. (U.S. Pat. No. 5,804,718; hereinafter “Nagasaka”). This rejection is respectfully traversed.

Claim 7

The Examiner takes the position that Kohmura discloses many of the features recited in claim 7, but fails to teach or suggest “a shunt plate having a plate-like portion extending in a direction that crosses an axis of the intake passage and an inclined portion that is continuous with the plate like portion and projects into the first passage.” (Office Action, pg.4, 3rd full par.) Thus, the Examiner applies Nagasaka, alleging that it teaches “a guide section 24 (figure 1b) for guiding the bypass flow toward the downstream side of the tube section. (col. 11, lines 20-21).

In contrast, Applicant respectfully submits that neither Kohmura, Nagasaka, nor any combination thereof teaches or suggests “an inclined portion that is continuous with the plate-like portion and projects into the first passage.” Specifically, the guide section 24 disclosed in Nagasaka does not “project into the first passage,” but runs parallel to the inflow port 21 and is formed at the outflow port 22 the bypass passage 18. (Fig. 1b, col. 11, 21-24). Thus, as the guide section 24 is parallel to the inflow port 21, it is not projecting into the inflow port 21 (Fig. 1b).

Applicant respectfully submits that independent claim 7 is patentable over the applied references Kohmura and Nagasaka. Thus, Applicants respectfully request that the Examiner withdraw this rejection.

New Claims

Claims 9-11 are hereby added. Claim 9 is fully supported *at least* by pg.8, lines 23-24 of the instant Application. Claims 10 is fully supported *at least* by pg.11, lines 10-20 of the instant Application. Claim 11 is fully supported at least by figure 4. Claims 9-10 are respectfully submitted to be allowable both by virtue of their dependency, and by virtue of the features recited therein.

Conclusion

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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